# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/825,022 | 04/03/2001 | Toshihiko Suzuki | 1232-4700 | 3854 |

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| EXAMINER |
|---|
| JELINEK, BRIAN J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2615 | |

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/825,022 | SUZUKI, TOSHIHIKO |
| | Examiner | Art Unit |
| | Brian Jelinek | 2615 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☐ Responsive to communication(s) filed on _____ .
2a)☐ This action is **FINAL**.      2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-16* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>03 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All  b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____ .
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

## DETAILED ACTION

This is a first office action in response to application no. 09/825,022 filed on 4/3/2001 in

which claims 1-16 are presented for examination.

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers

have been placed of record in the file.

### *Specification*

The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 1, 4-5, 9, 12-13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by**

**Anderson (U.S. Pat. No. 6,222,538).**

Regarding claim 1, Anderson teaches an image pickup apparatus (Fig. 2) comprising:

setting means for setting a plurality of chapters (Fig. 10, element 618; col. 11, lines 19-34); and

control means (Fig. 10, element 600) for controlling photography operation in an order of the set

chapters on the basis of settings of the plurality of chapters by said setting means, wherein said

setting means sets, for each of the plurality of chapters, a photography time (col. 1, lines 37-42;

col. 7, lines 43-46, where the time of capture is the duration of a time-lapse series of images) and

a mode (col. 12, lines 1-8) for executing desired photography during the photography time.

Regarding claim 4, Anderson teaches designating means (Fig. 5, element 418) for

designating recording of a photographed image, wherein said control means starts the

photography operation of a new chapter every time recording of the photographed image is

designated by said designating means (col. 11, lines 46-54).

Regarding claim 5, Anderson teaches the setting means comprises a script capable of

setting a mode for performing desired exposure control for each chapter (col. 12, lines 1-8).

Regarding claim 9, Anderson teaches an image pickup method comprising the steps of:

setting a photography time (col. 1, lines 37-42; col. 7, lines 43-46, where the time of capture is

the duration of a time-lapse series of images) and a mode (col. 12, lines 1-8) for executing

desired photography during the photography time for each of a plurality of chapters; and

controlling photography operation in an order of the set chapters on the basis of settings of the

plurality of chapters (Fig. 10, element 600).

Regarding claim 12, Anderson teaches the photography operation of a new chapter is

started every time recording of a photographed image is designated (col. 11, lines 46-54).

Regarding claim 13, Anderson teaches an operation processing program for an image

pickup apparatus, comprising operation processing steps of: setting a photography time (col. 1,

lines 37-42; col. 7, lines 43-46, where the time of capture is the duration of a time-lapse series of

images) and a mode (col. 12, lines 1-8) for executing desired photography during the

photography time for each of a plurality of chapters; and controlling photography operation in an

order of the set chapters on the basis of settings of the plurality of chapters (Fig. 10, element 600;

Fig. 10, element 618; col. 11, lines 19-34).

Regarding claim 16, Anderson teaches the photography operation of a new chapter is

started every time recording of a photographed image is designated (col. 11, lines 46-54).

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

**Claims 2-3, 10-11, and 14-15 rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Anderson (U.S. Pat. No. 6,222,538) in view of Kodama (U.S. Pat. No. 5,905,528).**

Regarding claim 2, Anderson teaches a still capture mode, a burst capture mode in which

a series of still images are captured in rapid succession, and a time-lapse mode where images are

captured at regular intervals over a period of time period (col. 1, lines 37-42). Clearly a user

would wish to set in the script the duration of photographing for a time-lapse capture in order to

provide a film of the desired length. However, Anderson does not teach the photography time of

a given chapter is prolonged, the control means corrects the photography times set by the setting

means for the chapters to be photographed after the given chapter, thereby controlling the

photography operation.

However, Kodama teaches calculating the remaining capacity for still and moving images

of a recording medium (col. 7, lines 14-20). One of ordinary skill in the art would have

calculated the remaining capacity for a recording medium in order to display to the user the

number of still pictures taken, the time taken to shoot the moving picture, the number of

remaining frames for still pictures, and the remaining moving-picture recordable time (col. 7,

lines 14-20). As a result, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have calculated the remaining capacity for a recording medium in order

to display to the user the number of still pictures taken, the time taken to shoot the moving

picture, the number of remaining frames for still pictures, and the remaining moving-picture

recordable time.

Clearly, an image capture script may specify a first and second time-lapse image capture

utilizing the full capacity of the recording medium. Furthermore, it is clear that if the

photographing time of the first time-lapse image capture is prolonged, the remaining capacity of

the recording medium, as determined by Kodama, may be insufficient for the second time-lapse

image capture specified by the script. Consequently, it is implicit that the photographing time of

the second time-lapse image capture is corrected to a shorter period of time in order to complete

at least a portion of the second time-lapse image capture. One of ordinary skill in the art would

have known that when the photography time of a given chapter is prolonged, and the calculated

capacity remaining in the recording medium is insufficient for a subsequent photographing time

specified in an image capture script, the control means corrects and shortens the photography

time set by the setting means for the chapters to be photographed after the given chapter, thereby

controlling the photography operation in order to complete at least a portion of the subsequent

image capture. As a result, it would have been obvious to one of ordinary skill in the art at the

time of the invention when the photography time of a given chapter is prolonged, and the

calculated capacity remaining in the recording medium is insufficient for a subsequent

photographing time specified in an image capture script, the control means corrects and shortens

the photography time set by the setting means for the chapters to be photographed after the given

chapter, thereby controlling the photography operation in order to complete at least a portion of

the subsequent image capture.

Regarding claim 3, neither Anderson nor Kodama teach the control means shortens the

photography times for the chapters to be photographed after the given chapter by a prolonged

part of the photography time of the given chapter in proportion to the photography times set by

the setting means. However, it is implicit in the case discussed in the 103 rejection of claim 2,

that the control means shortens the photography time for the second image capture by a

prolonged part of the photography time of the first image capture in one-to-one proportion to the

prolonged part of the photography times set by the setting means because the length by which a

first image capture is prolonged will reduce the recording capacity for a second image capture by

the same amount.

Regarding claim 10, Anderson teaches a still capture mode, a burst capture mode in

which a series of still images are captured in rapid succession, and a time-lapse mode where

images are captured at regular intervals over a period of time period (col. 1, lines 37-42). Clearly

a user would wish to set in the script the duration of photographing for a time-lapse capture in

order to provide a film of the desired length. However, Anderson does not teach the

photography time of a given chapter is prolonged, the photographing times preset for the

chapters to be photographed after the given chapter are corrected to control the photographing

operation.

However, Kodama teaches calculating the remaining capacity for still and moving images

of a recording medium (col. 7, lines 14-20). One of ordinary skill in the art would have

calculated the remaining capacity for a recording medium in order to display to the user the

number of still pictures taken, the time taken to shoot the moving picture, the number of

remaining frames for still pictures, and the remaining moving-picture recordable time (col. 7,

lines 14-20). As a result, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have calculated the remaining capacity for a recording medium in order

to display to the user the number of still pictures taken, the time taken to shoot the moving

picture, the number of remaining frames for still pictures, and the remaining moving-picture

recordable time.

Clearly, an image capture script may specify a first and second time-lapse image capture

utilizing the full capacity of the recording medium. Furthermore, it is clear that if the

photographing time of the first time-lapse image capture is prolonged, the remaining capacity of

the recording medium, as determined by Kodama, may be insufficient for the second time-lapse

image capture specified by the script. Consequently, it is implicit that the photographing time of

the second time-lapse image capture is corrected to a shorter period of time in order to complete

at least a portion of the second time-lapse image capture. One of ordinary skill in the art would

have known that when the photography time of a given chapter is prolonged, and the calculated

capacity remaining in the recording medium is insufficient for a subsequent photographing time specified in an image capture script, the photographing time is corrected and shortened for the chapters to be photographed after the given chapter, thereby controlling the photography operation in order to complete at least a portion of the subsequent image capture. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention that when the photography time of a given chapter is prolonged, and the calculated capacity remaining in the recording medium is insufficient for a subsequent photographing time specified in an image capture script, the photographing time is corrected and shortened for the chapters to be photographed after the given chapter, thereby controlling the photography operation in order to complete at least a portion of the subsequent image capture.

Regarding claim 11, neither Anderson nor Kodama teach the photography times for the chapters to be photographed after the given chapter are shortened by a prolonged part of the photography time of the given chapter in proportion to the preset photography times. However, it is implicit in the case discussed in the 103 rejection of claim 2, that the photography time for the second image capture is shortened by a prolonged part of the photography time of the first image capture in one-to-one proportion to the prolonged part of the preset photography time because the length by which a first image capture is prolonged will reduce the recording capacity for a second image capture by the same amount.

Regarding claim 14, Anderson teaches a still capture mode, a burst capture mode in which a series of still images are captured in rapid succession, and a time-lapse mode where images are captured at regular intervals over a period of time period (col. 1, lines 37-42). Clearly a user would wish to set in the script the duration of photographing for a time-lapse capture in

order to provide a film of the desired length. However, Anderson does not teach if the
photography time of a given chapter is prolonged, the photography times preset for the chapters
to be photographed after the given chapter are corrected to control the photography operation.

However, Kodama teaches calculating the remaining capacity for still and moving images
of a recording medium (col. 7, lines 14-20). One of ordinary skill in the art would have
calculated the remaining capacity for a recording medium in order to display to the user the
number of still pictures taken, the time taken to shoot the moving picture, the number of
remaining frames for still pictures, and the remaining moving-picture recordable time (col. 7,
lines 14-20). As a result, it would have been obvious to one of ordinary skill in the art at the
time of the invention to have calculated the remaining capacity for a recording medium in order
to display to the user the number of still pictures taken, the time taken to shoot the moving
picture, the number of remaining frames for still pictures, and the remaining moving-picture
recordable time.

Clearly, an image capture script may specify a first and second time-lapse image capture
utilizing the full capacity of the recording medium. Furthermore, it is clear that if the
photographing time of the first time-lapse image capture is prolonged, the remaining capacity of
the recording medium, as determined by Kodama, may be insufficient for the second time-lapse
image capture specified by the script. Consequently, it is implicit that the photographing time of
the second time-lapse image capture is corrected to a shorter period of time in order to complete
at least a portion of the second time-lapse image capture. One of ordinary skill in the art would
have known that when the photography time of a given chapter is prolonged, and the calculated
capacity remaining in the recording medium is insufficient for a subsequent photographing time

specified in an image capture script, the photographing time is corrected and shortened for the

chapters to be photographed after the given chapter, thereby controlling the photography

operation in order to complete at least a portion of the subsequent image capture. As a result, it

would have been obvious to one of ordinary skill in the art at the time of the invention that when

the photography time of a given chapter is prolonged, and the calculated capacity remaining in

the recording medium is insufficient for a subsequent photographing time specified in an image

capture script, the photographing time is corrected and shortened for the chapters to be

photographed after the given chapter, thereby controlling the photography operation in order to

complete at least a portion of the subsequent image capture.

Regarding claim 15, neither Anderson nor Kodama teach the photography times for the

chapters to be photographed after the given chapter are shortened by a prolonged part of the

photography time of the given chapter in proportion to the preset photography times. However,

it is implicit in the case discussed in the 103 rejection of claim 2, that the photography time for

the second image capture is shortened by a prolonged part of the photography time of the first

image capture in one-to-one proportion to the prolonged part of the preset photography time

because the length by which a first image capture is prolonged will reduce the recording capacity

for a second image capture by the same amount.

**Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat.**

**No. 6,222,538) in view of Okada et al. (U.S. Pat. No. 5,664,243).**

Regarding claim 6, Anderson teaches the setting means comprises a script capable of

setting the camera settings and parameters including white balance, exposure, and focus modes

(col. 12, lines 1-8). However, Anderson does not teach setting a scenic mode, sports mode, and portrait mode.

However, Okada et al. does teach setting a scenic mode, sports mode, and portrait mode (col. 10, line 54-col. 11, line 4). One of ordinary skill in the art would have provided a scenic mode, sports mode, and portrait mode in order to capture images with a large depth of field, moving objects, and shallow depth of field, respectively (col. 10, line 54-col. 11, line 4). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a scenic mode, sports mode, and portrait mode in order to capture images with a large depth of field, moving objects, and shallow depth of field, respectively.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat. No. 6,222,538) in view of Inuiya (U.S. Pat. No. 5,982,984).**

Regarding claim 7, Anderson teaches a still capture mode, a burst capture mode in which a series of still images are captured in rapid succession, and a time-lapse mode where images are captured at regular intervals over a period of time period (col. 1, lines 37-42). Anderson does not teach a setting means sets one of an interlaced photography mode and a non-interlaced photography mode.

However, Inuiya does teach a setting means sets one of an interlaced photography mode and a non-interlaced photography mode (col. 1, lines 32-49). One of ordinary skill in the art would have provided a setting means for reading out a CCD imaging sensor in an interlaced photography mode in order to produce a readout suitable for moving pictures and in a non-interlaced photography mode in order to produce a high-quality readout of still pictures (col. 1,

lines 32-49). As a result, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have provided a setting means for reading out a CCD imaging sensor in

an interlaced photography mode in order to produce a readout suitable for moving pictures and in

a non-interlaced photography mode in order to produce a high-quality readout of still pictures.


**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat.**

**No. 6,222,538) in view of Katsuki (U.S. Pat. No. 6,798,447).**

Regarding claim 8, Anderson teaches the setting means comprises a script with

commands for camera settings, controls, and parameters specific to the subject or scene being

capture (col. 12, lines 1-8). Anderson does not teach the setting means sets a special effect

between the chapters.

However, Katsuki teaches a script to perform predetermined scene switching based on an

order of scenes described in the script and performing fades, wipes, and mix special effects upon

switching scenes during recording (col. 4, line 65-col. 5, lines 7). One of ordinary skill in the art

would have performed fades, wipes, and mix special effects upon switching scenes during

recording of a predetermined order of scenes for the purpose of providing a visual transition

between subsequent scenes. As a result, it would have been obvious to one of ordinary skill in

the art at the time of the invention to have performed fades, wipes, and mix special effects upon

switching scenes during recording of a predetermined order of scenes for the purpose of

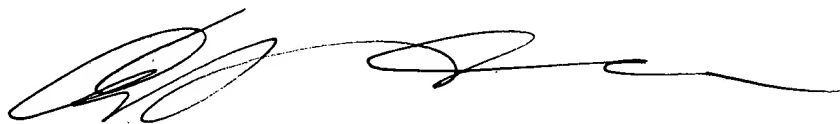providing a visual transition between subsequent scenes.


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (703) 305-4724. The examiner can normally be reached on M-F 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
12/8/2004

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